

Interim Decision #2093

MATTER OF GABOURIEL

In Deportation Proceedings

A-19872688

Decided by Board September 7, 1971

Respondent, who entered this country while asleep, who was not interrogated by an immigration inspector, who made no representation or statement of any kind at entry and who possessed no entry documents, is ineligible for the benefits of section 241(f) of the Immigration and Nationality Act, as amended, since there was no fraud or misrepresentation involved in her entry into the United States.

CHARGES:

Order: Act of 1952—Section 241(a)(2) [8 U.S.C. 1251(a)(2)]—Entered without inspection.

Lodged: Act of 1952—Section 241(a)(1) [8 U.S.C. 1251(a)(1)]—Excludable at entry under section 212(a)(26), nonimmigrant without visa.

ON BEHALF OF RESPONDENT: Steve Hollopeter, Esquire
Community Legal Assistance Center
1440 West Ninth Street
Los Angeles, California 90015
(Brief filed)

The special inquiry officer, in his decision dated March 22, 1971 found the respondent deportable under the lodged charge only, refused to terminate the proceedings under section 241(f), and denied her the privilege of voluntary departure. From that order the respondent appeals. Her appeal will be dismissed.

The record relates to a female alien, 36 years of age, a native and citizen of British Honduras, who entered the United States on or about January 10, 1968. She is the mother of an illegitimate United States citizen child.

Deportability was conceded. We agree with the special inquiry officer that there is clear, convincing and unequivocal evidence in the record to support the finding of deportability under the lodged charge.